



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: October 21, 2004

Expiration Date: November 22, 2004

Corps of Engineers Action ID: 200400414

Oregon Division of State Lands Number: 32532-RF

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Ms. Merina Christoffersen)
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401

Applicant: Avery Construction

Location: Wetland swales and intermittent drainages adjacent to and tributaries of Cooper Creek, at the Forest Heights Subdivision. The site is south of the intersection of Waite Street and Southside Road in Section 21, Township 25 South, and Range 5 West, in Sutherlin, Douglas County, Oregon.

Project Description: The Forest Heights development of a 25.69-acre lot for construction of 59 single-family residences and associated streets and utilities. There is a total of 5.1 acres of wetlands on the site, and development as proposed would require filling of 1.03 acres of palustrine emergent wetland (PEM). The subdivision would also include the installation of a stormwater treatment system comprised of catch basins and biofiltration swales. The impacts for this proposed project have increased as a result of the city of Sutherlin's mandated extension of a road. The original public notice was dated June 15, 2004 through July 14, 2004, and the impacts were calculated at 0.76 acre. The increase in impacts warrants a second period of public notice.

Mitigation: To compensate for project impacts, the applicant has proposed the following: Onsite enhancement of 3.1-acres of PEM, with 0.75 acre riparian buffer, and offsite, the enhancement of 0.67-acre of PEM, the creation of 0.27-acre of PEM, and 0.37-acre riparian buffer. Please be aware that the offsite mitigation area would be adjacent to another Avery project, known as Mont Clair. The mitigation areas are proposed to be protected by a conservation easement. If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: Construct a 59-lot subdivision to provide housing in the Sutherlin area.

Drawing(s): Eight (8) drawings labeled COE #200400414 (Forest Heights – Residential Development).

Additional Information: Additional information may be obtained from Ms. Merina Christoffersen, Project Manager, U.S. Army Corps of Engineers at (541) 465-6882.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

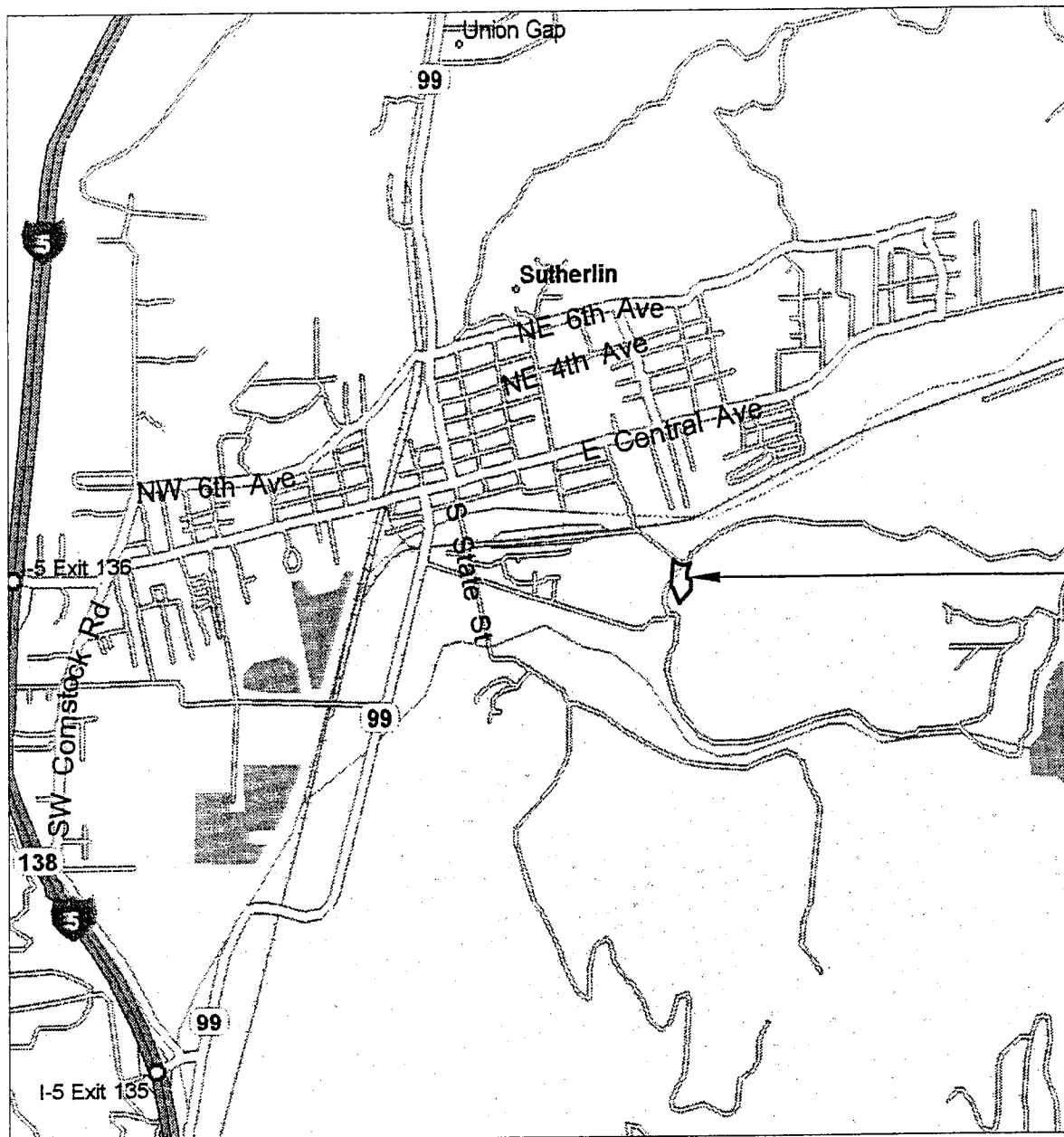
Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential affects.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.



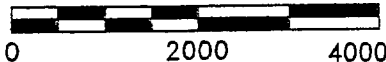
PROJECT
AREA

Source: Microsoft Streets & Trips, 2001.

Terra Science, Inc.

Soil, Water, & Wetland Consultants

SCALE: 1 INCH=2000 FEET



WETLAND FILL APPLICATION AND
COMPENSATORY MITIGATION PLAN
FOR THE FOREST HEIGHTS SUBDIVISION
Sutherlin, Douglas County, Oregon

September 2004 (Revised)

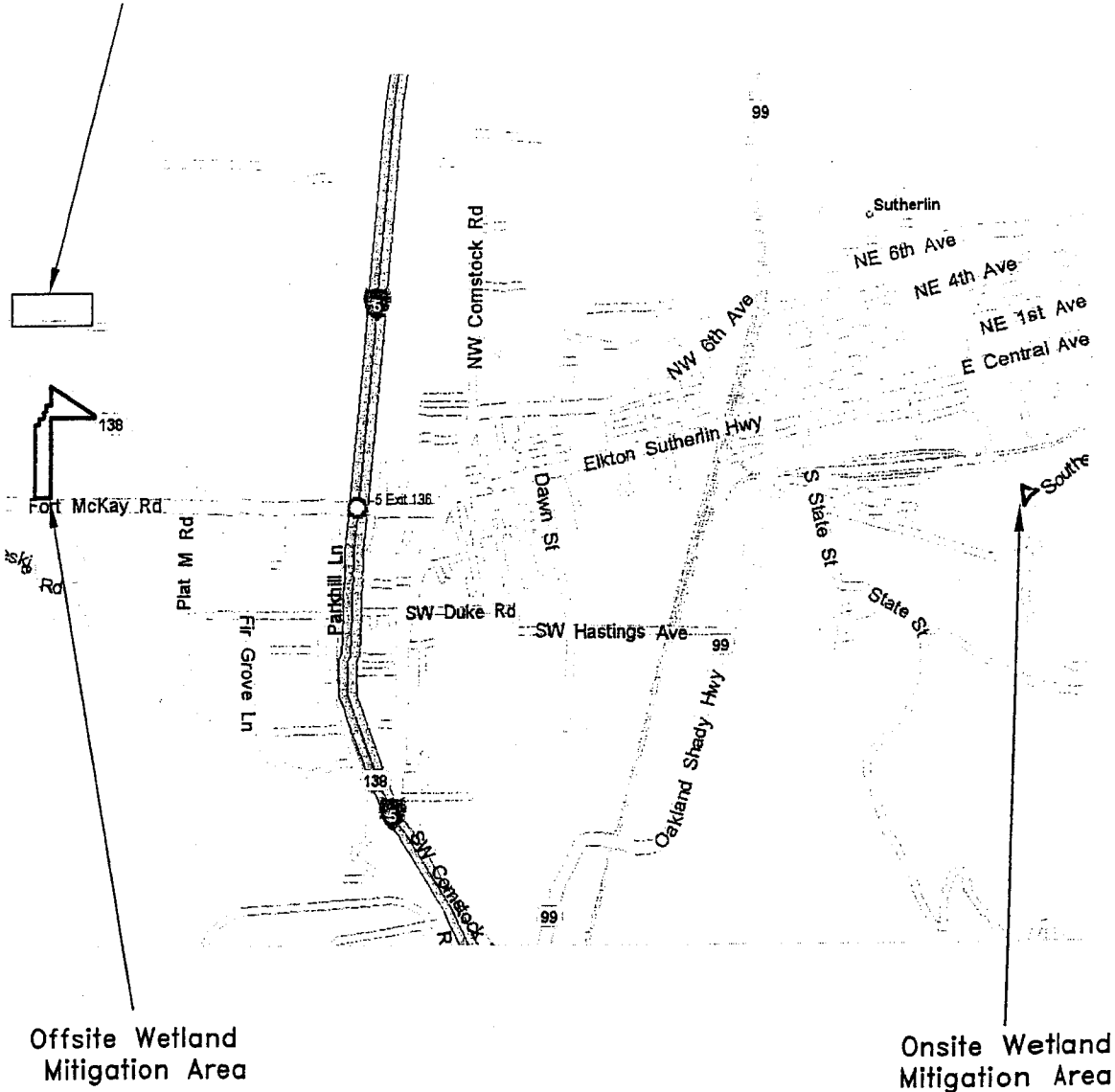
VICINITY MAP

FIGURE 1A

Offsite mitigation area is located less than 2.5 miles west of the proposed development site.



Mitigation Reference Site



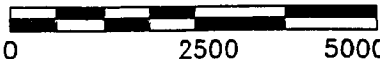
Source: Microsoft Streets & Trips, 2001.

Terra Science, Inc.
Soil, Water, & Wetland Consultants

WETLAND FILL PERMIT APPLICATION
AND COMPENSATORY MITIGATION
PLAN FOR THE FOREST HEIGHTS SUBDIVISION
Sutherland, Douglas County, Oregon

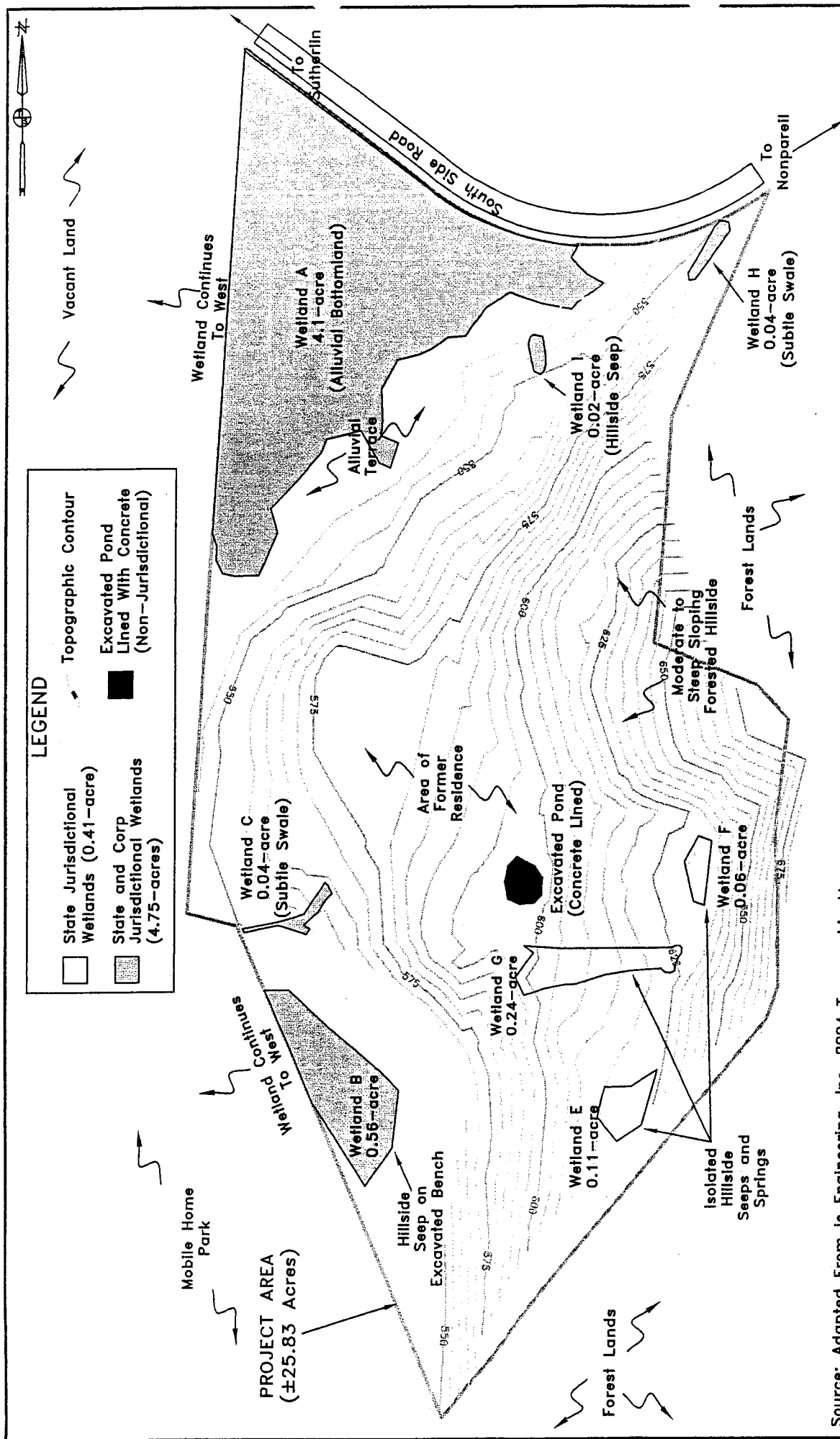
OFFSITE MITIGATION
VICINITY MAP

SCALE: 1 INCH=2500 FEET



September 2004 (Revised)

FIGURE 1B



Source: Adapted From Ie Engineering, Inc. 2004 Topographic Map.

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Soil, Water, & Wetland Consultants

**WETLAND FILL APPLICATION AND
COMPENSATORY MITIGATION PLAN
FOR THE FOREST HEIGHTS SUBDIVISION**
Sutherlin, Douglas County, Oregon

SCALE: 1 INCH=200 FEET

0 100 200 400

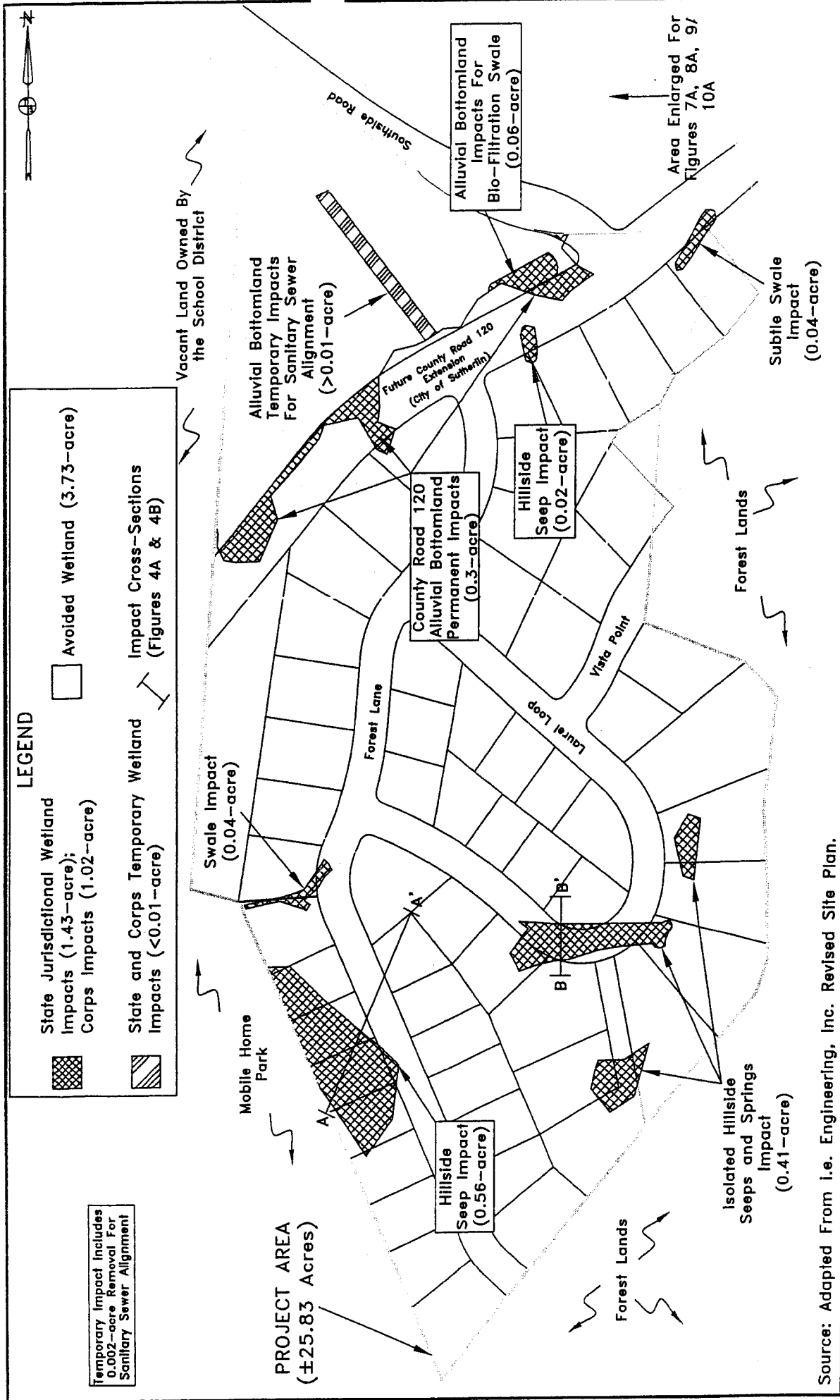
**EXISTING SITE CONDITIONS
AND WETLAND BOUNDARIES**

Note: Figure Depicts Wetland Boundaries
Determined By Wetland Delineation by Land
and Water Environmental Services, Inc. and
Subsequent DSL Concurrence #00-0326.

September 2004 (Revised)

COE # 20

FIGURE 2



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SCALE: 1 INCH=200 FEET

0 100 200 400

WETLAND FILL APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE FOREST HEIGHTS SUBDIVISION
Sutherlin, Douglas County, Oregon

REVISED DEVELOPMENT PROPOSAL AND WETLAND IMPACTS

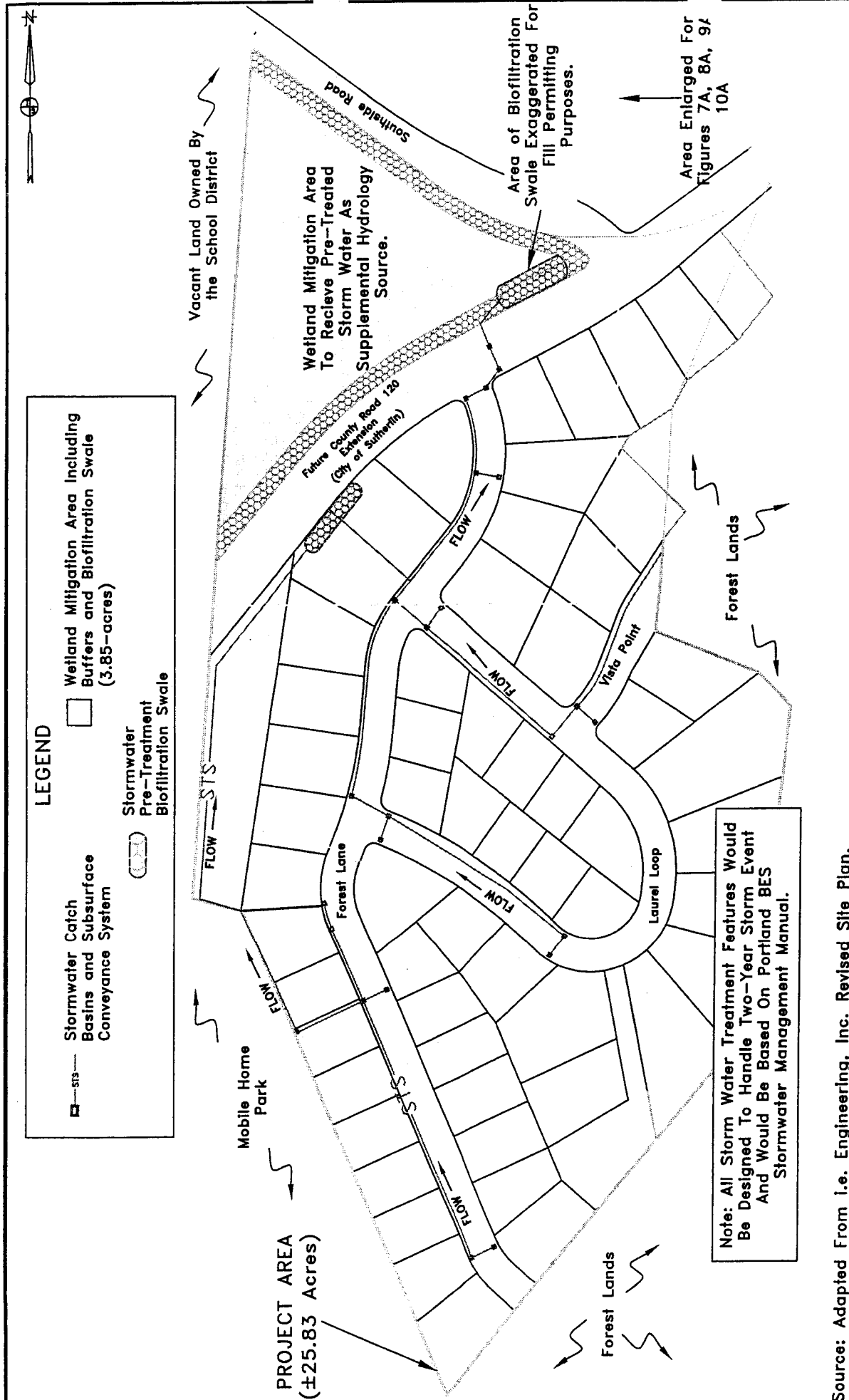
NOTE: Wetland Impacts To Wetland A Based on 80-Foot Cut And Fill Base Associated With The City of Sutherlin County Road 120 Extension; Impacts Associated With Biofiltration Swale Exaggerated For Fill Permitting Purposes.

September 2004 (Revised)

COE # 200300414

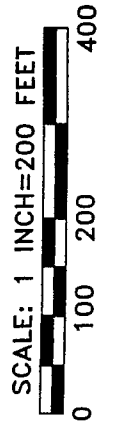
Page 4 of 8

Forest Heights- Residential development



Source: Adapted From I.e. Engineering, Inc. Revised Site Plan.

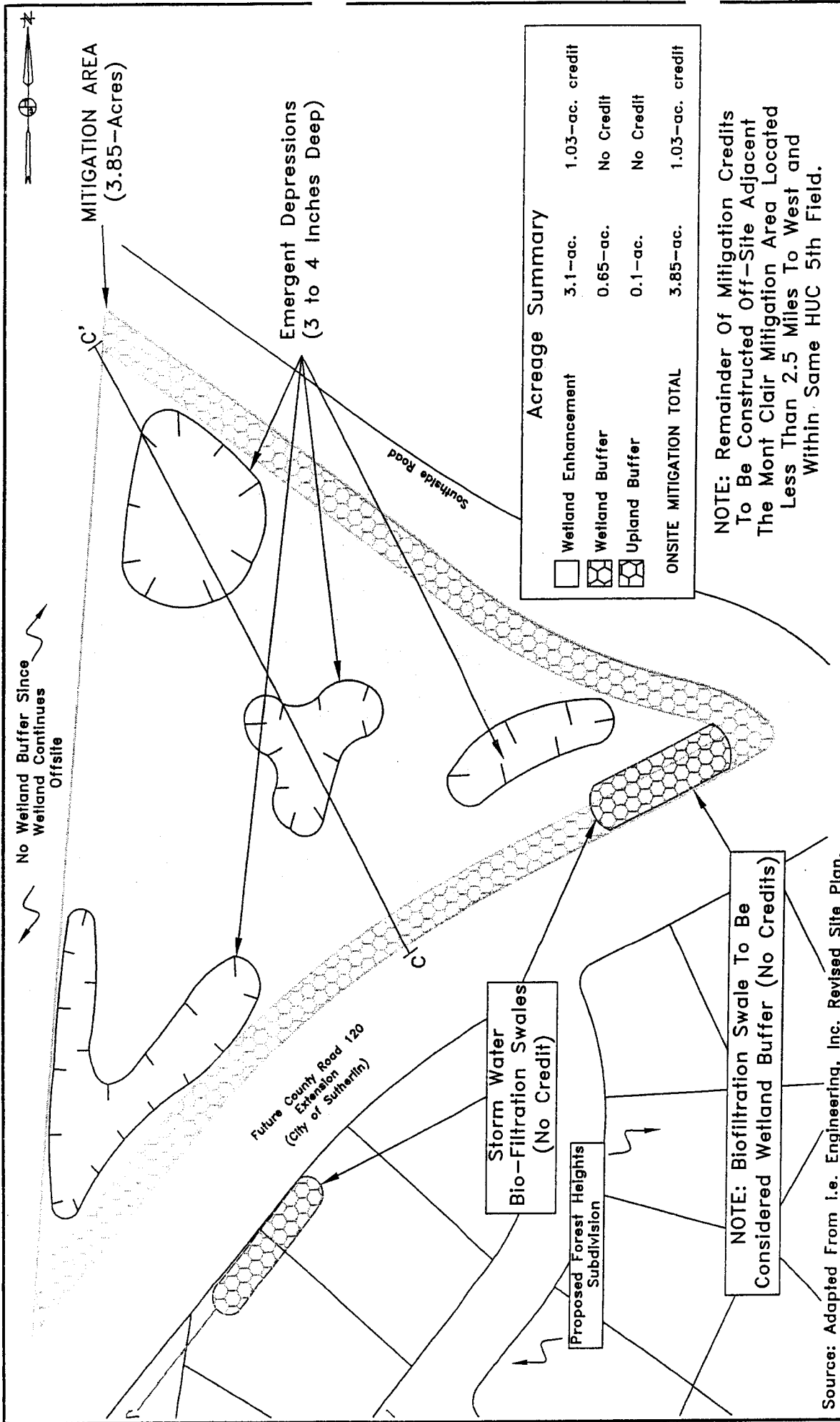
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WETLAND FILL APPLICATION AND COMPENSATORY MITIGATION PLAN FOR THE FOREST HEIGHTS SUBDIVISION
Sutherlin, Douglas County, Oregon

REVISED STORMWATER MANAGEMENT PLAN

FIGURE 6



Source: Adapted From I.e. Engineering, Inc. Revised Site Plan.

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**WETLAND FILL APPLICATION AND
COMPENSATORY MITIGATION PLAN
FOR THE FOREST HEIGHTS SUBDIVISION**
Sutherlin, Douglas County, Oregon

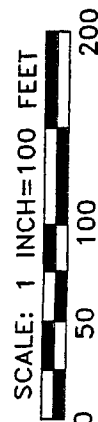


FIGURE 7A

PROPOSED ONSITE
MITIGATION CONCEPT

C-C'
Mitigation Cross Section

**NOTE: Remainder Of Mitigation Credits
To Be Constructed Off-Site Adjacent
The Mont Clair Mitigation Area Located
Less Than 2.5 Miles To West and
Within Same HUC 5th Field.**

Acreeage Summary			
Wetland Enhancement	3.1-ac.	1.03-ac. credit	
Wetland Buffer	0.65-ac.	No Credit	
Upland Buffer	0.1-ac.	No Credit	
ONSITE MITIGATION TOTAL	3.85-ac.	1.03-ac. credit	

PUBLIC NOTICE

Oregon Department of Environmental Quality

Water Quality 401 Certification

Corps of Engineers Action ID Number: 200400414 Notice Issued: October 21, 2004
Oregon Division of State Lands Number: 32532-RF Written Comments Due: November 22, 2004

WHO IS THE APPLICANT: Avery Construction

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.